



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

RITLAND

Serial No.: 10/776,094

Filed: February 10, 2004

Atty. File No.: 4510-1-DIV

For: "POLYAXIAL CONNECTION  
DEVICE AND METHOD"

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE  
STATEMENT**

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE  
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O.  
BOX 1450, ALEXANDRIA, VA 22313 ON THIS 28 DAY OF  
April, 2004.

SHERIDAN ROSS P.C.

BY:

*Chasity C. Rossum*  
Chasity C. Rossum

Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

- ☒ Copies of the cited foreign patents and/or non-patent references are enclosed herewith.
- ☒ Copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed

in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

- ☐ Are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☒ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☒ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. 09/898,478 filed July 2, 2001 (Atty. Dckt. No. 4510-1)

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should

an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

### FEES

<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <div style="margin-left: 40px;"> <input checked="" type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or  <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or  <input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or  <input type="checkbox"/> Before the mailing of a first Office action after the filing of a Request for Continued Examination (RCE) under 37 CFR 1.114.         </div> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <div style="margin-left: 40px;">           (1) a final action under 37 C.F.R. 1.113 or            (2) a notice of allowance under 37 C.F.R. 1.311, or            (3) an action that otherwise closes prosecution in the application.         </div> <p>This Information Disclosure Statement is accompanied by:</p> <div style="margin-left: 40px;"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.         </div> <p style="text-align: center;">OR</p> <div style="margin-left: 40px;"> <input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.         </div>
<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <div style="margin-left: 40px;"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)         </div> <p style="text-align: center;">AND</p> <div style="margin-left: 40px;"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.         </div>



**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

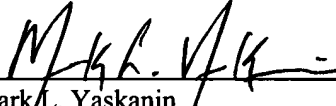
OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

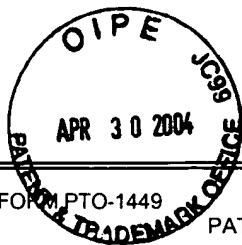
Respectfully submitted,

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Date: 4-28-2004  
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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
4510-1-DIVSERIAL NO.  
10/776,094INFORMATION DISCLOSURE STATEMENT  
(Use several sheets if necessary)APPLICANT  
RITLANDFILING DATE  
February 10, 2004

GROUP ART

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1	6,565,569	5/20/2003	Assaker et al.	606	61	
	2	6,443,989	9/3/2002	Jackson	623	17.15	
	3	6,440,169	8/27/2002	Elberg et al.	623	17.16	
	4	6,395,033	5/28/2002	Pepper	623	17.13	
	5	6,391,058	5/21/2002	Kuslich et al.	623	17.11	
	6	6,368,351	4/9/2002	Glenn et al.	623	17.15	
	7	6,368,350	4/9/2002	Erickson et al.	623	17.14	
	8	6,332,883	12/25/2001	Zucherman et al.	606	61	
	9	6,293,949	9/25/2001	Justis et al.	606	61	
	10	6,290,700	9/18/2001	Schmotzer	606	61	
	11	6,287,343	9/11/2001	Kuslich et al.	623	17.11	
	12	6,267,765	07/31/01	Taylor et al.	606	61	
	13	6,267,763	7/31/2001	Castro	606	61	
	14	6,264,658	07/24/01	Lee et al.	606	61	
	15	6,261,287	07/17/01	Metz-Stavenhagen	606	61	
	16	6,245,072	6/12/2001	Zdeblick et al.	606	61	
	17	6,238,397	5/29/2001	Zucherman et al.	606	61	
	18	6,235,030	5/22/2001	Zucherman et al.	606	61	
	19	6,224,631	5/1/2001	Kohrs	623	17.11	
	20	6,206,923	3/27/2001	Boyd et al.	623	17.11	
	21	6,206,922	3/27/2001	Zdeblick et al.	623	17.11	
	22	6,190,414	2/20/2001	Young et al.	623	17.15	
	23	6,190,387	2/20/2001	Zucherman et al.	606	61	
	24	6,183,471	2/6/2001	Zucherman et al.	606	61	
	25	6,179,838	1/30/2001	Fiz	606	61	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	26	6,156,038	12/5/2000	Zucherman et al.	606	61	
	27	6,152,926	11/28/2000	Zucherman et al.	606	61	
	28	6,149,686	11/21/2000	Kuslich et al.	623	17.11	
	29	6,149,652	11/21/2000	Zucherman et al.	606	61	
	30	6,132,430	10/17/00	Wagner	606	61	
	31	6,123,706	9/26/2000	Lange	606	61	
	32	6,123,705	9/26/2000	Michelson	606	61	
	33	6,120,506	9/19/2000	Kohrs et al.	606	80	
	34	6,117,174	9/12/2000	Nolan	623	17.11	
	35	6,117,137	09/12/00	Halm et al.	606	72	
	36	6,113,602	9/5/2000	Sand	606	61	
	37	6,102,948	8/15/2000	Brosnahan, III	623	17	
	38	6,090,112	7/18/2000	Zucherman et al.	606	61	
	39	6,083,225	7/4/2000	Winslow et al.	606	61	
	40	6,080,193	6/27/2000	Hochshuler et al.	623	17	
	41	6,074,393	06/13/00	Sitoto	606	73	
	42	6,074,390	6/13/2000	Zucherman et al.	606	61	
	43	6,068,630	5/30/2000	Zucherman et al.	606	61	
	44	6,063,088	5/16/2000	Winslow	606	61	
	45	6,050,997	04/18/00	Mullane	606	61	
	46	6,048,342	4/11/2000	Zucherman et al.	606	61	
	47	6,045,579	4/4/2000	Hochshuler et al.	623	17	
	48	5,997,539	12/7/99	Errico et al.	606	61	
	49	5,984,924	11/16/99	Asher et al.	606	61	
	50	5,968,098	10/19/1999	Winslow	623	17	
	51	5,928,233	7/27/1999	Apfelbaum et al.	606	61	
	52	5,906,616	5/25/1999	Pavlov et al.	606	61	

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	53	5,897,593	4/27/1999	Kohrs et al.	623	17	
	54	5,885,285	03/23/1999	Simonson	606	61	
	55	5,876,404	3/2/1999	Zucherman et al.	606	61	
	56	5,865,848	2/2/1999	Baker	623	17	
	57	5,865,847	2/2/1999	Kohrs et al.	623	17	
	58	5,860,977	1/19/1999	Zucherman et al.	606	61	
	59	5,836,948	11/17/1998	Zucherman et al.	606	61	
	60	5,827,328	10/27/1998	Buttermann	623	17	
	61	5,800,435	09/01/98	Errico et al.	606	61	
	62	5,785,710	7/28/1998	Michelson	606	61	
	63	5,782,832	7/21/1998	Larsen et al.	606	61	
	64	5,766,253	6/16/1998	Brosnahan, III	623	17	
	65	5,752,957	05/19/98	Ralph et al.	606	61	
	66	5,746,741	5/5/1998	Kraus et al.	606	54	
	67	5,735,899	4/7/1998	Schwartz et al.	623	17	
	68	5,725,528	03/10/98	Errico et al.	606	61	
	69	5,716,415	2/10/1998	Steffee	623	17	
	70	5,702,455	12/30/1997	Saggar	623	17	
	71	5,691,397	11/25/1997	Glimcher et al.	523	115	
	72	5,690,632	11/25/97	SCHWARTZ ET AL.	606	73	
	73	5,683,463	11/4/1997	Godefroy et al.	623	17	
	74	5,645,599	7/8/1997	Samani	623	17	
	75	5,643,264	7/1/97	Sherman et al.	606	61	
	76	5,643,263	07/01/1997	Simonson	606	61	
	77	5,628,740	5/13/97	Mullane	606	61	
	78	5,593,409	1/14/1997	Michelson	606	61	
	79	5,591,166	01/07/97	Bernhardt et al.	606	61	

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	80	5,565,502	10/15/1996	Glimcher et al.	523	115	
	81	5,489,308	2/6/1996	Kuslich et al.	623	17	
	82	5,484,440	01/16/96	Allard	606	73	
	83	5,466,238	11/14/95	Lin	606	61	
	84	5,415,661	5/16/1995	Holmes	606	69	
	85	5,312,405	5/17/1994	Korotko et al.	606	61	
	86	5,306,309	4/26/1994	Wagner et al.	623	17	
	87	5,129,900	7/14/1992	Asher et al.	606	61	
	88	5,055,104	10/8/1991	Ray	606	61	
	89	5,026,373	6/25/1991	Ray et al.	606	61	
	90	5,002,576	3/26/1991	Fuhrmann et al.	623	17	
	91	4,743,260	5/10/1988	Burton	623	17	
	92	US2003/0144665	7/31/2003	Munting	606	61	
	93	US2002/0107572	8/8/2002	Foley et al.	623	17.11	
	94	US2002/0107571	8/8/2002	Foley	623	17.11	
	95	US2002/0068973	6/6/2002	Jackson	623	17.11	
	96	US2002/0029082	3/7/2002	Muhanna	623	17.11	
	97	US2001/0047207	11/29/2001	Michelson	623	17.11	
	98	US2001/0010021	7/26/2001	Boyd et al.	623	17.13	
	99	US2001/0005796	6/28/2001	Zdeblick et al.	623	17.11	

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## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	100	EP 0 820 731 A3	Jan. 28, 1998	Europe	A61B	17/70	(Abstract only)	
	101	WO 02/02022 (4510-1-PCT)	Jan. 10, 2002	PCT	A61B	17/56		
	102	WO 03/026523 (4510-6-PCT)	Apr. 3, 2003	PCT	A61B	17/70		
	103	WO 03/073908 (4510-7-PCT)	Sept. 12, 2003	PCT	A61B			
	104	WO 03/094699 (4510-9-2-PCT)	Nov. 20, 2003	PCT	A61B			

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)


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